

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARMINO FAUS,

Petitioner,

v.

CIVIL ACTION
NO. 17-4157

NANCY A. BERRYHILL,
Acting Commissioner of Social Security
Administration

Respondent.

ORDER

AND NOW, this 8th day of August, 2018, upon considering Petitioner's Brief in Support of Request for Review (Docket No. 11), all supporting and opposing papers, and the Report of Recommendation of United States Magistrate Judge Thomas J. Rueter (Docket No. 15), and with no objections filed, it is hereby **ORDERED** as follows:

1. The Report and Recommendation (Docket No. 15) is **APPROVED** and **ADOPTED**.
2. Petitioner's Request for Review of the decision of the Commissioner of the Social Security Administration (Docket No. 11) is **GRANTED**, and the decision is **REVERSED** to the extent that the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C § 405(g) for further proceedings¹ consistent with United States Magistrate Judge Thomas J. Rueter's Report and Recommendation.

¹ Sentence four states: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C § 405(g).

3. Judgment is entered in favor of the Petitioner, Carmino Faus, reversing the decision of the Commissioner for the purpose of this remand only.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.